## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

ROBERT D. TYLER,	)
Plaintiff,	) ) )
v.	)
	) Civil Action No
KIA MOTORS MANUFACTURING	)
GEORGIA, INC.,	)
Defendant.	) )

## **NOTICE OF REMOVAL**

TO: The Honorable Judges of the United States District Court for the Northern District of Georgia

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1446(a), Defendant Kia Motors Manufacturing Georgia, Inc. (hereinafter "Defendant") hereby files this Notice of Removal of this case to the United States District Court for the Northern District of Georgia, based upon the following grounds:

1. Plaintiff filed the instant action in the Superior Court of Fulton County, Georgia, on July 7, 2014 and the case was assigned Civil Action No. 2014-CV-248600. The lawsuit was served on July 10, 2014. Copies of the Service of Process Transmittal and Complaint, which are attached hereto as Attachment A, were served to Glenda Strong, Registered Agent for Defendant, on July 10, 2014.

- 2. The Superior Court in which this action was originally filed lies within the district and division of the United States District Court in which this Notice of Removal is filed.
- 3. Pursuant to 28 U.S.C. § 1446(b), this notice of removal is filed within 30 days after Defendant's receipt through service or otherwise of the initial pleadings (Summons and Complaint) setting forth the claims for relief upon which this action is based.
- 4. This is a civil action as to which this Court would have original jurisdiction pursuant to 28 U.S.C. § 1331 and is thus one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. § 1441(b), to wit: Plaintiff's Complaint purports to allege claims retaliation in violation of 42 U.S.C. § 1981, and for retaliation for opposing race, age, and gender discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. By virtue of 28 U.S.C. § 1441(c), upon removal, this Court may exercise jurisdiction over the remaining claims contained in Plaintiff's Complaint.
- 5. Pursuant to 28 U.S.C. § 1446(d), a Notice of Filing of Notice of Removal is today being served upon all parties and delivered to the Clerk of the Superior Court of Fulton County for filing. A copy of said Notice of Filing of

Notice of Removal is attached hereto as Attachment B (without duplicative attachments).

WHEREFORE, this case is hereby removed from the Superior Court of Fulton County to the United States District Court for the Northern District of Georgia, Atlanta Division.

Respectfully submitted this 8<sup>th</sup> day of August, 2014.

CONSTANGY, BROOKS & SMITH, LLP

/s/ William M. Clifton III WILLIAM M. CLIFTON III Georgia Bar No. 170176 W. JONATHAN MARTIN II Georgia Bar No. 474590

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing NOTICE OF REMOVAL with the Clerk of Court using the CM/ECF system and served same upon the following attorneys of record via U.S. Mail, postage prepaid, addressed as follows:

Regina S. Molden David Health Williamson Molden & Holley LLC Peachtree Center – Harris Tower 233 Peachtree St., N.E., Suite 1245 Atlanta, GA 30303

Dated this 8<sup>th</sup> day of August, 2014.

CONSTANGY, BROOKS & SMITH, LLP

/s/ William M. Clifton III
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